

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BITUMINOUS CASUALTY CORPORATION,)
)
Plaintiff,)
)
vs.)
)
AARON FERER AND SONS COMPANY,)
THE UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY / JOHN B. ASKEW,)
REGION 7 ADMINISTRATOR, and UNION)
PACIFIC RAILROAD COMPANY,)
)
Defendants.)

4:06CV3128

ORDER

In the Report of Parties' Planning Conference [29] the United States Environmental Protection Agency ("EPA") requested that this proceeding, including discovery, be deferred until the district court rules on its pending Motion to Dismiss for lack of subject matter jurisdiction [27].

IT IS ORDERED that the EPA's request [29] is granted, and all action in this case, including discovery, is hereby stayed as to the EPA pending the district court's ruling on the EPA's Motion to Dismiss [27].

DATED October 16, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge